

Remarks

In the present application, claims 1-44, 71, and 73-75 have been canceled and claims 45, 51, 55, 58, 60, 61, 63, 64, 65, 67, 68, 70, and 72 have been amended. Support for the amended claims may be found in Figs. 7, 8A and 8B, 9, 17, 21, 22, and 25 as well as on page 9, lines 13-19, and page 11, lines 9-11 in the Specification. No new matter has been added.

Pending claims 45-75 are subject to a restriction requirement. The Office Action proposes to separate the current claims into the following ten species:

Species I: Figs. 4 and 5

Species II: Fig. 7

Species III: Figs. 8A, 8B

Species IV: Fig. 9

Species V: Fig. 10

Species VI: Fig. 16

Species VII: Figs. 17-20, 20A, 20B

Subspecies VIIa: Fig. 18

Subspecies VIIb: Fig. 19

Subspecies VIIc: Fig. 20A

Subspecies VIId: Fig. 20B

Species VIII: Fig. 21

Species IX: Fig. 23

Species X: Fig. 24

The Office Action suggests that the above restriction requirement is proper given that each of the above species is patentably distinct. The Applicant respectfully traverses the restriction requirement for at least the following reasons:

The Applicant respectfully submits that all of claims 45-70 and 72 are not patentably distinct and that the search and examination of all of claims 45-70 and 72 can be made without serious burden on the Examiner. As stated in MPEP §806.05, "Where two or more related inventions are being claimed, the principal question to be determined in connection with a requirement to restrict... is whether or not the inventions as claimed are distinct... If they are not distinct, restriction is never proper." Since MPEP §806.05 requires an examiner to examine all claims when they are not patentably distinct, Applicants respectfully submit that the restriction of claims 45-70 and 72 is improper as discussed in detail below.

Claims 45-54

As discussed above, support for claim independent 45 may be found in Figs. 7 and 9, and in the Specification on page 10, lines 5-20 and page 11, lines 8-19. Support for dependent claims 46-54 may be found in Figs. 6, 7, 17, 21, 22, and 25 as well as on page 9, lines 13-19 in the Specification. The aforementioned figures, however, are all obvious variants of the embodiment of the broom in Fig. 9 (see for example with respect to Fig. 7, page 11, lines 17-19 of the Specification) and thus are not patentably distinct. Moreover, it is further submitted that any of the above-identified species corresponding to the aforementioned figures (i.e., Species IV, VII, and VIII) are also obvious variants of each other and thus are also not patentably distinct.

Claims 55-59

Regarding claims 55-59, these claims are all based on obvious variants of the embodiment of the broom in Fig. 9 and thus are not patentably distinct from claims 45-54.

Claim 60-61

Regarding claims 60-61, these claims are all based on obvious variants of the embodiment of the broom in Fig. 9 and thus are not patentably distinct from claims 45-54.

Claims 62-63

Regarding claim 60, these claims are all based on obvious variants of the embodiment of the broom in Fig. 9 and thus are not patentably distinct from claims 45-54.

Claim 64

Support for claim 64 may be found in Figs. 6, 7, and 9 (discussed above with respect to claims 45-54) as well as in Figs. 8A and 8B. Figs. 8A and 8B are obvious variants of the embodiment of the broom in Fig. 9 and thus are not patentably distinct species. Thus, claim 64 is not patentably distinct from claims 45-54.

Claims 65-67

Support for claim 64 may be found in Figs. 7 and 9 (discussed above with respect to claims 45-54) as well as in Fig. 18. Fig. 18 is an obvious variant of the embodiment of the broom in Figs. 7 and 9 (see page 10, lines 16-17 of the Specification) and thus is not a patentably distinct species. Thus, claims 65-66 are not patentably distinct from claims 45-54.

Claims 68-70

Regarding claims 68-69, these claims are all based on obvious variants of the embodiment of the broom in Fig. 9 and thus are not patentably distinct from claims 45-54.

Claim 72

Support for claim 64 may be found in Figs. 7 and 9 (discussed above with respect to claims 45-54) as well as in Figs. 8A and 8B. Figs. 8A and 8B are obvious variants of the embodiment of the broom in Fig. 9 and thus are not patentably distinct species. Thus, claim 72 is not patentably distinct from claims 45-54.

Conclusion

For at least the reasons given above, the Applicant respectfully requests withdrawal of the restriction requirement and continued consideration of claims 45-70 and 72. If the Examiner maintains the present restriction requirement, the Applicant elects, with traverse, Species IV (as depicted in Fig. 9).

The Applicant believes that no extension of time is required; however, this conditional petition is being made to provide for the possibility that the Applicant has inadvertently overlooked the need for a further additional extension of time. If any additional fees are required for the timely consideration of the application, please charge deposit account number 13-2725.

It is believed that the application is in condition for allowance. Consideration of the application and issuance of a notice of allowance are respectfully requested.

Respectfully submitted,
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Date: June 10, 2004


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